



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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### PROPOSED AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

**ISSUED TO ["the Permittee"]:**

Alliance Leather, Inc.  
58 Pulaski Street  
Peabody, Massachusetts 01960

**FACILITY LOCATION:**

58 Pulaski Street  
Peabody, Massachusetts 01960

**NATURE OF BUSINESS:**

Leather Coating Operations

**RESPONSIBLE OFFICIAL:**

Name: Michael Listro  
Title: Vice President

**INFORMATION RELIED UPON:**

Application No. MBR-95-OPP-059R2  
Transmittal No. X274738

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 1190185  
FMF FAC NO.: 281488  
FMF RO NO.: 281489

**STANDARD INDUSTRIAL CODE:**

(SIC): 3111

**NORTH AMERICAN INDUSTRY  
CLASSIFICATION SYSTEM:**

(NAICS): 316110

**FACILITY CONTACT PERSON:**

Name: Michael Listro  
Title: Vice President  
Phone: (978) 531-6771  
Fax: (978) 531-7764  
E-mail: alliance.leather@verizon.net

**This Operating Permit shall expire on PROPOSED.**

For MassDEP,

**PROPOSED**

Edward J. Braczyk  
Acting Permit Chief  
Bureau of Air and Waste

**PROPOSED**

Date

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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## **SPECIAL CONDITIONS FOR OPERATING PERMIT**

### **1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this Permit.

#### **A. DESCRIPTION OF FACILITY AND OPERATIONS**

The Permittee is a Nonwater-resistant leather finishing facility located at 58 Pulaski Street in Peabody, Massachusetts. The facility operates five (5) leather coating lines and one (1) lacquer-based coating storage and mixing room to finish shoe and bookbinding leathers. Four (4) coating lines are identified as EU2-1 and the fifth coating line is identified as EU3. Subject equipment also includes a lacquer mixing room (EU2-2).

The facility is subject to 310 CMR 7.00: Appendix C since it has potential to emit Volatile Organic Compounds (VOC) greater than 50 tons per year and had potential to emit greater than 25 tons per year aggregate Hazardous Air Pollutants (HAP) and greater than 10 tons per year any individual HAP on the initial compliance date of the applicable major source standard 40 CFR Part 63, Subpart TTTT “National Emission Standards for HAP for Leather Finishing Operations”.

The four (4) coating lines (EU2-1) operate under a 310 CMR 7.18(17) VOC Reasonably Available Control Technology (RACT) Final Approval dated May 14, 1991. Coating line EU3 operates under a Best Available Control Technology (BACT) Plan Approval issued in accordance with 310 CMR 7.02. Based on a previous analysis of the facility’s HAP Potential to Emit that concluded that the facility was a major source of HAP, the coating lines (EU2-1 and EU3) are also considered existing sources subject to 40 CFR Part 63, Subpart TTTT.

Fuel burning equipment include a boiler (EU1), for building and process heat, which has an energy input capacity of 4.2 million British thermal units per hour (MMBtu/hr) and is permitted to burn natural gas and distillate fuel oil having a sulfur content of 0.3 percent by weight, or less, and exempt activities including a 2.5 MMBtu/hr natural gas fired boiler and four (4) 1.0 MMBtu/hr natural gas fired process heaters.

In the Permittee’s September 14, 2016 letter to MassDEP, the Permittee presented an updated analysis of the facility’s HAP Potential to Emit, concluding that the facility is an area source of HAP. MassDEP concurs with the analysis. Since the facility was an area source on the initial compliance date of 40 CFR Part 63, Subpart DDDDD “National Emission Standards for HAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters”, MassDEP has imposed enforceable limits on the facility’s potential HAP emissions that reinforce the qualification of the facility as an area source of HAP emissions.

As an area HAP source, the Permittee is potentially subject to 40 CFR Part 63, Subpart JJJJJ “National Emission Standards for HAP for Industrial, Commercial, and Institutional Boilers Area Sources”. However, under 40 CFR 63.11195(e), gas fired boilers are exempt from this subpart. Since July 1996, when the fuel oil tank and associated piping were removed, the Permittee has not burned oil in EU1. In this OP renewal application, the Permittee is proposing EU1 only use natural gas. Therefore, MassDEP has determined that the Permittee is not subject to 40 CFR Part 63, Subpart JJJJJ.

40 CFR Part 64 “Compliance Assurance Monitoring” does not apply to the Permittee, since the facility has no subject pollutant-specific emissions unit.

The Permittee is subject to the requirements of Greenhouse Gas Emissions Reporting as defined by MassDEP in 310 CMR 7.71(3)(a).

## 2. **EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this Operating Permit:

<b>Table 1</b>			
<b>EU#</b>	<b>DESCRIPTION OF EMISSION UNIT</b>	<b>EU DESIGN CAPACITY</b>	<b>POLLUTION CONTROL DEVICE</b>
EU1	Cleaver Brooks Boiler Model No. CB408-100	4.2 MMBtu/hr	None
EU2-1	Tandem Application Coating Line	5000 ft <sup>2</sup> /hr	Disposable Paper Filters
	Single Application Coating Line		
	Four Station Coating Line	4000 ft <sup>2</sup> /hr	
	Gemata Roll Coater	7200 ft <sup>2</sup> /hr	
EU2-2	Lacquer Mixing Room	NA	None
EU3	Rollmac Roll Coater	7200 ft <sup>2</sup> /hr	None

### **Table 1 Key:**

EU# = Emission Unit Number  
MMBtu/hr = million British thermal units per hour  
ft<sup>2</sup>/hr= square feet per hour  
NA = Not Applicable

### 3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following (Table 2) are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
DESCRIPTION OF CURRENT EXEMPT ACTIVITIES	REASON
The list of current exempt activities is contained in the Operating Permit Application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to MassDEP's Northeast Regional Office. Emissions from these activities shall be reported to MassDEP on the annual Source Registration/Emission Statement Form pursuant to 310 CMR 7.12.	310 CMR 7.00: Appendix C(5)(h)

### 4. APPLICABLE REQUIREMENTS

#### A. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the limits/restrictions as contained in Table 3 below:

Table 3				
EU#	FUEL/RAW MATERIAL	POLLUTANT	EMISSION LIMIT/STANDARD	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU1	Natural Gas	PM	$\leq 0.10$ lb/MMBtu	MBR-87-COM-044 310 CMR 7.02(8)(h) Table 6 Operating Permit Renewal Application MBR-95-OPP-059R2
EU2-1	Coating	VOC	Shall not utilize coatings in excess of the following limits in lb of VOC per gallon of coating minus water as applied: <div style="margin-left: 40px;"> Category 1) Corrective 7.6  Category 2) High Solvent Based 7.16  Category 3) All Other Solvent Based 6.95  Category 4) Waterborne Impregnation 5.81  Category 5) Waterborne I 3.09  Category 6) Waterborne II 0.60 </div>	310 CMR 7.18(17)  MBR-90-ECP-001 (VOC RACT Final Approval, dated May 14, 1991) Massachusetts SIP 40 CFR Part 52, Subpart W, Section 52.1120(c)(129)

Table 3				
EU#	FUEL/RAW MATERIAL	POLLUTANT	EMISSION LIMIT/STANDARD	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU2-1	Coating	VOC	$\leq 28$ lb per 1,000 square feet of leather coated per 12 month rolling average	310 CMR 7.18(17)  MBR-90-ECP-001 (VOC RACT Final Approval, dated May 14, 1991) Massachusetts SIP 40 CFR Part 52, Subpart W, Section 52.1120(c)(129)
EU2-2	Lacquer Mixing	VOC	See Special Terms and Conditions, Table 8, Item 12	310 CMR 7.18(27)
EU3	Coating	VOC	$\leq 27.4$ lb per gallon of solids as applied	MBR-95-IND-050
			$\leq 6.1$ tons per month	
			$\leq 24.5$ tons per 12 month rolling period	
EU2-1, EU3	Coating	HAP	$\leq 3.7$ (1) lb of HAP loss per 1,000 square feet of leather processed (2)	40 CFR Part 63, Subpart TTTT, Table 1
			Compliance Ratio $\leq 1.00$ (2) (See Special Terms and Conditions, Table 8, Item 7)	40 CFR 63.5330
Facility-Wide	All	Single HAP	$\leq 1.6$ tons per month $\leq 9.5$ tons per 12 month rolling period	Operating Permit Renewal Application MBR-95-OPP-059R2
		Total HAP	$\leq 4.1$ tons per month $\leq 24.5$ tons per 12 month rolling period	
		Smoke	< No. 1 of Chart (3), except No. 1 to < No. 2 of Chart for $\leq 6$ minutes during any one hour, provided that not $\geq$ No. 2 of Chart during said 6 minutes	310 CMR 7.06(1)(a)
		Opacity	$\leq 20$ percent, except $> 20$ to $\leq 40$ percent for $\leq 2$ minutes during any one hour, provided that not $> 40$ percent during said 2 minutes	310 CMR 7.06(1)(b)
		Greenhouse Gas (4)	NA	310 CMR 7.71 (State Only Requirement)

**Table 3 Notes:**

- HAP emission limit is for nonwater-resistant (< 5,000 Maeser Flexes) leather. Nonwater-resistant leather

means nonupholstery leather that is not treated with any type of waterproof finish. The Permittee shall use only nonwater-resistant leather finishing processes.

2. The requirements of this subpart apply at all times, including periods of startup, shutdown, and malfunction.
3. Chart means the Ringelmann Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Information Circular No. 8333, or any smoke inspection guide approved by MassDEP.
4. Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, HFCs, and PFCs.

**Table 3 Key:**

EU# = Emission Unit Number  
lb/MMBtu = pounds per million British thermal units  
lb = pounds  
VOC = Volatile Organic Compounds  
HAP = Hazardous Air Pollutants  
PM = Particulate Matter  
CO<sub>2</sub> = Carbon Dioxide  
CH<sub>4</sub> = Methane  
N<sub>2</sub>O = Nitrous Oxide  
SF<sub>6</sub> = Sulfur Hexafluoride  
HFCs = hydrofluorocarbons  
PFCs = perfluorocarbons  
< = less than  
> = greater than  
≤ = less than or equal to  
≥ = greater than or equal to  
NA = Not Applicable  
SIP = State Implementation Plan  
RACT = Reasonably Available Control Technology

**B. COMPLIANCE DEMONSTRATION**

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00: Appendix C (9) and (10), and the applicable requirements contained in Table 3:

<b>Table 4</b>	
<b>EU#</b>	<b>MONITORING AND TESTING REQUIREMENTS</b>
EU1	1. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., monitor unit operations, as necessary, to ensure continuous compliance with PM emission limits.

**Table 4**

EU#	MONITORING AND TESTING REQUIREMENTS
EU1	2. In accordance with 310 CMR 7.04(4)(a), inspect and maintain fuel utilization facility in accordance with manufacturer's recommendations and test for efficient operation at least annually.
EU2-1	<p>3. In accordance with Approval MBR-90-ECP-001, the Permittee must continue to utilize its electric eye/micro processing control system on its solvent spray coating lines at all times that the lines are operating. The control system should be properly maintained and continuously operated according to the manufacturer's specifications and operating procedures.</p> <p>4. In accordance with Approval MBR-90-ECP-001, the Permittee shall label each container used in its leather coating processes by category, i.e. coating Category 1, 2, 3, 4, 5, or 6 formulations as listed in Table 3 of this Permit.</p> <p>5. In accordance with Approval MBR-90-ECP-001, all coatings used at the facility must be included in one of the categories of coatings listed in Table 3 of this Permit.</p> <p>6. In accordance with Approval MBR-90-ECP-001, the Permittee shall, upon request of MassDEP or EPA, perform tests on its coatings to demonstrate compliance by Reference Method 24.</p> <p>7. Consistent with the requirements of Approval MBR-90-ECP-001, in order to verify compliance of the "as applied" coatings with the emission limitations in Table 3 of this Permit, the Permittee shall monitor, at minimum, for each coating:</p> <ul style="list-style-type: none"> <li>- the pounds of VOC per gallon of coating (minus water) as applied;</li> <li>- the gallons of coating used;</li> <li>- the percent water (by volume);</li> <li>- the coating classification; and</li> <li>- the coating line of use.</li> </ul> <p>8. Consistent with the requirements of Approval MBR-90-ECP-001, in order to verify compliance with the emission restrictions in Table 3 of this Permit, the Permittee shall monitor:</p> <ul style="list-style-type: none"> <li>- the average emission rate in pounds of VOC per 1000 square feet for the month;</li> <li>- the total previous 12 month rolling average;</li> <li>- the amount of leather coated during the month; and</li> <li>- the total VOC emissions for the month.</li> </ul>
EU2-2	9. The Permittee shall monitor all operations required to comply with 310 CMR 7.18(27)(f). Said monitoring shall include, but is not limited to, the date and description of any repair or replacement of a mixing tank lid.
EU3	<p>10. Consistent with the requirements of Approval MBR-95-IND-050, on a daily basis utilizing a twenty four (24) hour averaging time, monitor at a minimum:</p> <ul style="list-style-type: none"> <li>- identity, quantity, formulation, and density of coating(s) used;</li> <li>- identity, quantity, formulation, and density of any diluent(s) and clean-up solvent(s) used;</li> <li>- solids content of coatings(s) used;</li> <li>- quantity of product processed; and,</li> <li>- actual operational and emissions characteristics of the coating line.</li> </ul> <p>Utilize the above information to calculate VOC emissions in pounds per gallon of solids as applied, tons per month, and tons per twelve-month rolling period.</p> <p>11. In accordance with Approval MBR-95-IND-050, the Permittee shall, upon request of MassDEP, perform or have testing performed to demonstrate compliance with 310 CMR 7.18(22). Testing shall be conducted in accordance with EPA Method 24 and/or Method 25 as described in 40 CFR Part 60, or by other methods approved by MassDEP and EPA.</p>



**Table 4**

EU#	MONITORING AND TESTING REQUIREMENTS
EU2-1, EU3	<p>12. The Permittee shall monitor operations to ensure continuous compliance with the HAP limits in Table 3 of this Permit. Said monitoring shall include the following items as referenced in 40 CFR 63.5320:</p> <ul style="list-style-type: none"> <li>- pounds of each type of finish applied for each leather product process operation utilizing the procedures outlined in 40 CFR 63.5385 and 40 CFR 63.5395;</li> <li>- mass fraction of HAP in each applied finish utilizing the procedures outlined in 40 CFR 63.5390; and,</li> <li>- surface area of leather processed in 1000's of square feet for each product process operation utilizing the procedures outlined in 40 CFR 63.5400.</li> </ul> <p>13. The Permittee shall determine the compliance ratio (actual and allowable HAP loss) by the fifteenth of each month for the previous twelve months using Equation 1 of 40 CFR 63.5330, and utilizing the procedures outlined in 40 CFR 63.5335 and 40 CFR 63.5340.</p>
Facility-Wide	<p>14. Consistent with the requirements of Approval MBR-90-ECP-001 and Approval MBR-95-IND-050, monitor all actions associated with environmental issues and overall emissions changes at the facility. The Permittee shall monitor information such as the results of federal, state, or local environmental inspections; maintenance or corrective actions related to pollution control equipment; and measures taken to lower overall emissions to the environment.</p> <p>15. In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which MassDEP has determined that stack testing is necessary to ascertain compliance with MassDEP's regulations or design approval provisos shall cause such stack testing:</p> <ul style="list-style-type: none"> <li>- to be conducted by a person knowledgeable in stack testing;</li> <li>- to be conducted in accordance with procedures contained in a test protocol which has been approved by MassDEP; and,</li> <li>- to be conducted in the presence of a representative of MassDEP when such is deemed necessary.</li> </ul> <p>Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., conduct any other testing or testing methodology if and when requested by MassDEP or EPA.</p> <p>16. Consistent with the requirements of Approval MBR-95-IND-050, monitor facility operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>17. In accordance with 310 CMR 7.71(1) and Appendix C(9), the Permittee shall establish and maintain data systems or record keeping practices (e.g. fuel use records, SF<sub>6</sub> usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (State Only Requirement)</p>

**Table 4 Key:**

EU# = Emission Unit Number  
PM = Particulate Matter  
VOC = Volatile Organic Compounds  
HAP = Hazardous Air Pollutants  
EPA = United States Environmental Protection Agency

**Table 5**

EU#	RECORD KEEPING REQUIREMENTS
EU1	<p>1. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., record unit parameters, as necessary, to ensure continuous compliance with PM emission limits.</p> <p>2. In accordance with 310 CMR 7.04(4)(a), maintain results of fuel utilization facility inspection, maintenance, and testing and the date upon which it was performed posted conspicuously on or near the facility.</p>
EU2-1	<p>3. In accordance with Approval MBR-90-ECP-001, the Permittee shall keep a logbook on the electric eye/micro processing control system in order to record activities such as maintenance, calibration and malfunctions of the equipment. The logbook shall be made available to MassDEP upon request.</p> <p>4. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2, the Permittee shall maintain a logbook showing that all coatings used at the facility are included in one of the categories of coatings listed in Table 3 of this Permit.</p> <p>5. Consistent with the requirements of Approval MBR-90-ECP-001, maintain records of any Reference Method 24 coatings compliance testing required by MassDEP or EPA.</p> <p>6. In accordance with Approval MBR-90-ECP-001, and as modified by Approval MBR-95-IND-050, the Permittee shall maintain daily records, which will document that all of the "as applied" coatings will comply with the emission limitations in Table 3 of this Permit. At a minimum, the following daily records of each coating must be kept:</p> <ul style="list-style-type: none"> <li>- pounds of VOC per gallon of coating (minus water) as applied;</li> <li>- gallons of coating used;</li> <li>- percent water (by volume);</li> <li>- coating classification; and</li> <li>- coating line of use.</li> </ul> <p>Said records shall be kept on site for five (5) years and be made available to MassDEP personnel upon request.</p> <p>7. In accordance with Approval MBR-90-ECP-001, and as modified by Approval MBR-95-IND-050, the Permittee shall maintain adequate records to document that the described emission restrictions in Table 3 of this Permit have not been exceeded. Said records shall be kept on site for five (5) years and be made available to MassDEP personnel upon request. Said records shall at minimum include:</p> <ul style="list-style-type: none"> <li>- the average emission rate in pounds of VOC per 1000 square feet for the month;</li> <li>- the total previous 12 month rolling average;</li> <li>- the amount of leather coated during each month; and</li> <li>- the total VOC emissions for the month.</li> </ul> <p>Supporting information such as purchasing records, VOC/waste shipment records and inventory records should be kept on site and made available to MassDEP upon request, as referenced in Approval MBR-90-ECP-001.</p>
EU2-2	<p>8. In accordance with 310 CMR 7.18(27)(f), the Permittee shall maintain records sufficient to demonstrate compliance. Records demonstrating compliance shall be kept on site for five years, and shall be made available to representatives of MassDEP or EPA upon request. Such records shall include, but are not limited to, the date and description of any repair or replacement of a mixing tank lid.</p>

**Table 5**

EU#	RECORD KEEPING REQUIREMENTS
EU3	<p>9. In accordance with Approval MBR-95-IND-050, on a daily basis utilizing a twenty four (24) hour averaging time, record:</p> <ul style="list-style-type: none"> <li>- identity, quantity, formulation, and density of coating(s) used;</li> <li>- identity, quantity, formulation, and density of any diluent(s) and clean-up solvent(s) used;</li> <li>- solids content of coatings(s) used;</li> <li>- quantity of product processed; and,</li> <li>- actual operational and emissions characteristics of the coating line.</li> </ul> <p>Maintain records of VOC emissions in pounds per gallon of solids as applied, tons per month, and tons per twelve-month rolling period. All records shall be kept on site for five (5) years and be made available to MassDEP personnel upon request.</p> <p>10. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(d), maintain the test results of any testing or testing methodology required by MassDEP or EPA to demonstrate compliance with 310 CMR 7.18(22).</p>
EU2-1, EU3	<p>11. The Permittee shall maintain comprehensive records to demonstrate continuous compliance with the HAP limits in Table 3 of this Permit. Said records shall include all items listed in 40 CFR 63.5430.</p>
Facility-Wide	<p>12. Consistent with the requirements of Approval MBR-90-ECP-001 and in accordance with Approval MBR-95-IND-050, the Permittee shall record any information supplied to them relative to reducing overall emissions and pollution prevention techniques. This information as well as any progress towards decreasing overall emissions to the environment shall be recorded in an Environmental Logbook or equivalent record keeping system, which shall document all actions associated with environmental issues and overall emissions changes at the facility. The facility shall record information such as the results of federal, state, or local environmental inspections; maintenance or corrective actions related to pollution control equipment; and measures taken to lower overall emissions to the environment. This Logbook, or equivalent record keeping system, shall be made available to MassDEP personnel upon request.</p> <p>13. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(d), maintain the test results of any other testing or testing methodology required by MassDEP or EPA.</p> <p>14. Maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>15. Keep copies of Source Registration/Emission Statement Forms and other information supplied to MassDEP for five years from the date of submittal as required per 310 CMR 7.12(3)(b).</p> <p>16. In accordance with 310 CMR 7.00: Appendix C(10)(b), maintain records of all monitoring data and supporting information required by this Operating Permit on site for five (5) years from the date of the monitoring sample, measurement, report or initial Operating Permit Application. Supporting information includes at a minimum, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Operating Permit, and any other information required to interpret the monitoring data. Records required to be maintained shall include, where applicable:</p> <ul style="list-style-type: none"> <li>- the date, place as defined in the Permit, and time of sampling or measurements;</li> <li>- the date(s) analyses were performed;</li> <li>- the company or entity that performed the analyses;</li> <li>- the analytical techniques or methods used;</li> <li>- the results of such analyses; and</li> <li>- the operating conditions as existing at the time of sampling or measurement.</li> </ul>

Table 5	
EU#	RECORD KEEPING REQUIREMENTS
Facility-Wide	17. In accordance with 310 CMR 7.71(6)(b) and (c), the Permittee shall keep on site at the facility documents of the methodology and data used to quantify emissions for a period of five (5) years from the date the document is created. The Permittee shall make these documents available to MassDEP upon request. (State Only Requirement)

**Table 5 Key:**

EU# = Emission Unit Number  
PM = Particulate Matter  
VOC = Volatile Organic Compounds  
HAP = Hazardous Air Pollutants  
EPA = United States Environmental Protection Agency

Table 6	
EU#	REPORTING REQUIREMENTS
EU2-1	<p>1. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2. and Approval MBR-90-ECP-001, the Permittee shall notify MassDEP's Northeast Regional Office by telephone within three business days and subsequently in writing, attention Bureau of Air and Waste Permit Chief, within seven business days, if a malfunction occurs with the electric photocell/micro processing system.</p> <p>2. In accordance with Approval MBR-90-ECP-001, and as modified by Approval MBR-95-IND-050, the Permittee shall submit quarterly reports to MassDEP's Northeast Regional Office, attention Bureau of Air and Waste Permit Chief. The reports shall provide: 1) the average emission rate in pounds of VOC per 1000 square feet for each month, 2) the total previous 12 month rolling average for each month, 3) the amount of leather coated during each month, and 4) the total VOC emissions for each month. The reports shall summarize the data as well as provide necessary information in order to verify the accuracy of the reports. The quarterly reports shall be submitted by January 31, April 30, July 31, and October 31 of each year, and cover, inclusively, the prior months of October to December, January to March, April to June, and July to September, respectively.</p>
EU3	<p>3. In accordance with Approval MBR-95-IND-050, the Permittee shall submit quarterly reports to MassDEP's Northeast Regional Office, attention Bureau of Air and Waste Permit Chief, that summarize the following information:</p> <ul style="list-style-type: none"> <li>- identity, quantity, formulation, and density of coating(s) used;</li> <li>- identity, quantity, formulation, and density of any diluent(s) and clean-up solvent(s) used;</li> <li>- solids content of coatings(s) used;</li> <li>- quantity of product processed; and,</li> <li>- actual operational and emissions characteristics of the coating line.</li> </ul> <p>The quarterly reports shall be submitted by January 31, April 30, July 31, and October 31 of each year, and cover, inclusively, the prior months of October to December, January to March, April to June, and July to September, respectively. The quarterly reports shall be appended to the quarterly reports for EU2-1.</p>

**Table 6**

EU#	REPORTING REQUIREMENTS
EU2-1, EU3	4. The Permittee shall submit the first annual compliance status certification 12 months after the submittal of the Notification of Compliance Status. Each subsequent annual compliance status certification is due 12 months after the previous annual compliance status certification. The annual compliance certification shall provide the compliance status for each month during the 12-month period ending 60 days prior to the date on which the report is due. The annual compliance status certification shall include the information in paragraphs (a)(1) through (5) of 40 CFR 63.5420.
	5. The Permittee shall submit a Deviation Notification Report for each compliance determination in which the compliance ratio exceeds 1.00, as determined under 40 CFR 63.5330. The deviation report shall be submitted by the fifteenth of the following month in which the deviation from the compliance ratio was determined. The Deviation Notification Report shall include the information in paragraphs (b)(1) through (4) of 40 CFR 63.5420.
Facility-Wide	6. In accordance with Approval MBR-90-ECP-001 and Approval MBR-95-IND-050, submit an annual report to MassDEP's Northeast Regional Office, attention Bureau of Air and Waste Permit Chief, by January 31 for the previous year's months of January to December, summarizing the progress towards decreasing overall emissions to the environment. This report shall include any research and development/technological improvements and reformulation/substitution efforts. The report shall be appended to the quarterly reports for EU2-1 and EU3 submitted on January 31.
	7. In accordance with 310 CMR 7.00: Appendix C(10)(d), submit, upon request, the test results of any other testing or testing methodology required by MassDEP or EPA.
	8. By May 1 of each year, submit a Source Registration/Emission Statement Form to MassDEP in accordance with 310 CMR 7.12.
	9. Upon MassDEP's request, any record relative to the Operating Permit or to the emissions of any air contaminant from the facility shall be submitted to MassDEP within 30 days of the request by MassDEP or within a longer time period if approved in writing by MassDEP, and shall be transmitted on paper, on computer disk, or electronically at the discretion of MassDEP, pursuant to 310 CMR 7.00: Appendix C(10)(a).
	10. Submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to MassDEP as required by 310 CMR 7.00: Appendix C(10)(c). (See General Condition 10).
	11. Submit an Annual Compliance Report and Certification to MassDEP and EPA by January 30 of each year as required by General Condition 10 of this Permit.
	12. Promptly report to MassDEP all instances of deviations from Permit requirements which are not otherwise reported to MassDEP by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C(10)(f). (See General Condition 25).
	13. In accordance with 310 CMR 7.00: Appendix C(10)(h), all required reports must be certified by a responsible official consistent with 310 CMR 7.00: Appendix C(5)(c).
	14. In accordance with 310 CMR 7.71(5), the Permittee shall electronically submit and certify by April 15 <sup>th</sup> of each year a greenhouse gas emissions report to MassDEP. (State Only Requirement)

**Table 6 Key:**

EU# = Emission Unit Number

VOC = Volatile Organic Compounds

EPA = United States Environmental Protection Agency

**C. GENERAL APPLICABLE REQUIREMENTS**

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The Permittee is currently not subject to the following requirements:

<b>Table 7</b>	
<b>REGULATION &amp; TITLE</b>	<b>REASON</b>
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle	Not more than 250 commuters
40 CFR Part 63, Subpart DDDDD: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters	Facility is not a major source of Hazardous Air Pollutants (40 CFR 63.7485)
40 CFR Part 63, Subpart JJJJJ: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers Area Sources	Natural Gas fired boilers are not subject to this NESHAP (40 CFR 63.11195)
40 CFR Part 64: Compliance Assurance Monitoring	No Air Pollution Control Devices used to achieve compliance on subject units

## 5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to and shall comply with the following special terms and conditions that are not contained in Tables 3, 4, 5, and 6:

Table 8	
EU#	SPECIAL TERMS AND CONDITIONS
EU1	<p>1. Per data as supplied through the Permittee's Operating Permit Application (MBR-95-OPP-059, Transmittal No. 108364), EU1 shall continue to emit products of combustion through a stack having the following parameters:</p> <p>Stack Height: 34 feet  Stack Exit Diameter: 22 inches  Stack Material: Steel</p>
EU2-1	<p>2. In accordance with Approval MBR-90-ECP-001, the Permittee shall continue its on-going reformulation program in order to replace VOC based coatings with waterborne coatings or low VOC coatings.</p> <p>3. In accordance with Approval MBR-90-ECP-001, the Permittee shall use waterborne or low VOC formulations in place of the following four coatings: Geiger Black Pigskin, Geiger 921 Brown, Missouri Brown Dandy, and Missouri Burgundy Dandy.</p> <p>4. In accordance with Approval MBR-90-ECP-001, the Permittee shall continue its research and development activities in order to investigate the feasibility of installing new technology that may reduce its VOC emission rates.</p>
EU3	<p>5. In accordance with Approval MBR-95-IND-050, the Permittee can implement raw material and/or equipment changes necessary to achieve source reduction or waste minimization without prior written approval by MassDEP, provided that MassDEP is notified at least 20 days in advance of said changes. These modifications cannot violate the conditions of this Permit. MassDEP reserves the right to request the Permittee to file a new Application if deemed necessary.</p>
EU2-1, EU3	<p>6. In accordance with Approval MBR-90-ECP-001 and Approval MBR-95-IND-050, the Permittee shall post nearby the subject equipment a copy of the Standard Operating and Maintenance Procedures (SOMP). These procedures shall contain at a minimum:</p> <p>a) A procedure to minimize the volatilization of solvents during the measuring of coating proportions and/or the mixing of coatings;</p> <p>b) A procedure to minimize VOC fugitive losses from the coating and solvent storage rooms. Procedures should include methods of securely sealing containers and methods to clean up accidental spills; and,</p> <p>c) A procedure to minimize solvent usage or VOC losses during equipment clean up, and during transport (including the transferring of coatings from the mixing areas to the coating line).</p>

**Table 8**

EU#	SPECIAL TERMS AND CONDITIONS
EU2-1, EU3	<p>7. In accordance with 40 CFR Part 63, Subpart TTTT, in order to comply with the compliance ratio, the Permittee shall use the following equation:</p> $\text{Compliance Ratio} = \frac{\text{Actual HAP Loss}}{\text{Allowable HAP Loss}}$ <p>Where:</p> <p>Actual HAP Loss = Pounds of actual HAP loss for the previous 12 months, as determined in 40 CFR 63.5335.</p> <p>Allowable HAP Loss = Pounds of allowable HAP loss for the previous 12 months, as determined in 40 CFR 63.5340.</p> <p>8. EU2-1 and EU3 are subject to the requirements of 40 CFR 63.1 to 63.15, Subpart A “General Provisions” (as indicated in Table 2 to Subpart TTTT of 40 CFR Part 63). Compliance with all applicable provisions therein is required.</p> <p>9. The Permittee must demonstrate compliance with 40 CFR Part 63, Subpart TTTT by monitoring and recording the necessary data in accordance with the procedures as developed and stated in a written plan that includes the items listed in paragraphs (a)(1) through (7) of 40 CFR 63.5325. The plan for demonstrating compliance is hereby incorporated by reference into this Permit. In accordance with 40 CFR 63.5325(b), MassDEP may require the Permittee to revise the plan for demonstrating compliance if the procedures lack detail, are inconsistent, or do not accurately determine finish usage, HAP content of each finish, quantity of leather processed, or leather product process operation type.</p> <p>10. In accordance with 40 CFR 63.5320(b), the Permittee must always operate and maintain the facility according to the provisions in 40 CFR 63.6(e)(1)(i).</p> <p>11. In accordance with 40 CFR 63.5350(a), product process operations that finish leather for nonupholstery uses are categorized as either water-resistant/specialty or nonwater-resistant product process operations. In accordance with the Permittee’s National Emission Standards for Hazardous Air Pollutants (NESHAP) Annual Compliance Status Certification dated December 21, 2009 and information supplied through the Permittee’s Operating Permit Application (MBR-95-OPP-059R, Transmittal No. X228081), the Permittee shall use only nonwater-resistant leather finishing processes.</p>



**Table 8**

EU#	SPECIAL TERMS AND CONDITIONS
EU2-2	<p>12. In accordance with 310 CMR 7.18(27)(a), on or after January 1, 1994, no person who owns, leases, operates, or controls a coating mixing tank which emits, before the application of air pollution control equipment, 15 pounds of VOC per day shall cause, suffer, allow or permit emissions there from, unless the person complies with the standards set forth in 310 CMR 7.18(27)(b) for “Portable Coating Mixing Tanks” and 310 CMR 7.18(27)(c) for “Stationary Coating Mixing Tanks”. In accordance with 310 CMR 7.18(27)(b) and 310 CMR 7.18(27)(c), any person subject to 310 CMR 7.18(27)(a) shall keep the coating mixing tank covered with a lid or other method approved by MassDEP, except to add ingredients, take samples, or perform maintenance. A lid used to comply with 310 CMR 7.18(27) shall:</p> <p>a) Extend at least 0.5 inch beyond the outer rim of the tank or be attached to the rim of the tank; and,</p> <p>b) Be maintained so that when in place, the lid maintains contact with the rim of the portable coating mixing tank for at least 90% of the rim’s circumference; and,</p> <p>c) If necessary, have an opening to allow for insertion of mixer shaft, which opening shall be covered after insertion of the mixer, except to allow adequate clearance for the mixer shaft.</p> <p>In accordance with 310 CMR 7.18(27)(e), any person subject to 310 CMR 7.27(a) shall maintain continuous compliance at all times.</p>
Facility-Wide	<p>13. In accordance with Approval MBR-90-ECP-001 and Approval MBR-95-IND-050, that should any nuisance condition(s) be generated by the operation of this facility, then appropriate steps shall immediately be taken to abate said nuisance condition(s). (State Only Requirement - 310 CMR 7.01 General Regulations to Prevent Air Pollution)</p> <p>14. The facility shall not permit any dust or odor operations to cause or contribute to a condition of air pollution. (State Only Requirement - 310 CMR 7.09 Dust, Odor, Construction, and Demolition).</p> <p>15. In accordance with Approval MBR-95-IND-050, the Permittee shall monitor any net VOC emissions increase(s). Any facility-wide net VOC emissions increase occurring over a period of five consecutive calendar years which equates to 25 or more tons of VOC shall become subject to Nonattainment Review, as per the requirements of 310 CMR 7.00: Appendix A.</p> <p>16. The Permittee is subject to 310 CMR 7.18(17) and therefore must also comply with 310 CMR 7.18(1)(c) which requires that VOCs be stored and disposed of in a manner which will minimize evaporation to the atmosphere. Proper storage shall be in a container with a tight fitting cover. Proper disposal shall include incineration in an incinerator approved by MassDEP, transfer to another person licensed by MassDEP to handle VOC, or any other equivalent method approved by MassDEP.</p> <p>17. In accordance with Approval MBR-95-IND-050, the Permittee shall store VOC containing raw materials that are not in current use within tightly covered containers. Any rags used in conjunction with these materials shall be placed, when not in use, in tightly covered containers and collected for proper recycling or disposal.</p> <p>18. In accordance with Approval MBR-95-IND-050, the Permittee shall continue to investigate the feasibility of implementing alternative technologies or reformulated raw material inputs which will lead to the decrease of overall emissions from the subject facility to the environment (air, water, solid waste.) The Permittee shall seek assistance from outside sources such as vendors, or the Office of Technical Assistance (which is located at the Executive Office of Energy and Environmental Affairs, 100 Cambridge Street, Suite 900, Boston, Massachusetts 02114, Telephone No. 617-626-1060).</p>

**Table 8 Key:**

EU# = Emission Unit Number

VOC = Volatile Organic Compounds

HAP = Hazardous Air Pollutants

SOMP = Standard Operating and Maintenance Procedures

## **6. ALTERNATIVE OPERATING SCENARIOS**

The Permittee did not request alternative operating scenarios in its Operating Permit Application.

## **7. EMISSIONS TRADING**

### **A. INTRA-FACILITY EMISSION TRADING**

The Permittee did not request intra-facility emission trading in its Operating Permit Application.

### **B. INTER-FACILITY EMISSION TRADING**

The Permittee did not request inter-facility emission trading in its Operating Permit Application.

## **8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the Permit term.

## **GENERAL CONDITIONS FOR OPERATING PERMIT**

### **9. FEES**

The Permittee has paid the Permit Application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

“I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment.”

MassDEP has made available to the Permittee via MassDEP’s web site, <https://www.mass.gov/guides/massdep-operating-permit-compliance-program#2>, an “Operating Permit Reporting Kit”. The “Operating Permit Reporting Kit” contains instructions, and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification.

#### **A. ANNUAL COMPLIANCE REPORT AND CERTIFICATION**

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by January 30 to MassDEP and to the Air Compliance Clerk, United States Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by MassDEP to determine the compliance status of the source.

#### **B. SEMI-ANNUAL MONITORING SUMMARY REPORT AND CERTIFICATION**

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by January 30 and July 30 to MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;

- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by MassDEP to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

Any noncompliance with a Permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit Renewal Application by MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

## **12. PERMIT SHIELD**

- A. This facility has a Permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7 for the emission units as described in the Permittee's Application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier Approval or Permit, the terms and conditions of this Permit control.

- B. MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Part D, Table 7.
- C. Nothing in this Permit shall alter or affect the following:
- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
  - 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
  - 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Clean Air Act.

## **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Clean Air Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by MassDEP, EPA, and citizens as defined under the Clean Air Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

#### **14. PERMIT TERM**

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete Renewal Application is submitted at least 6 months before the expiration date.

#### **15. PERMIT RENEWAL**

Upon MassDEP's receipt of a complete and timely Application for renewal, this facility may continue to operate subject to final action by MassDEP on the Renewal Application.

In the event MassDEP has not taken final action on the Operating Permit Renewal Application prior to this Permit's expiration date, this Permit shall remain in effect until MassDEP takes final action on the Renewal Application, provided that a timely and complete Renewal Application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

#### **16. REOPENING FOR CAUSE**

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by MassDEP and/or EPA. The responsible official of the facility may request that MassDEP terminate the facility's Operating Permit for cause. MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an Operating Permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

#### **17. DUTY TO PROVIDE INFORMATION**

Upon MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to MassDEP copies of records that the Permittee is required to retain by this Permit.

#### **18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or that incorrect information was submitted in the Permit Application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility

after the date a complete Renewal Application was submitted but prior to release of a draft Permit.

The Permittee shall promptly, on discovery, report to MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to MassDEP.

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

This Permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative Permit amendment if no other change in the Permit is necessary and provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between current and new Permittee, has been submitted to MassDEP.

## **20. PROPERTY RIGHTS**

This Permit does not convey any property rights of any sort, or any exclusive privilege.

## **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of MassDEP and EPA to perform the following, as per 310 CMR 7.00: Appendix C(3)(g)12.:

- A. enter upon the Permittee's premises where an Operating Permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements.

## **22. PERMIT AVAILABILITY**

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the Operating Permit, including any amendments or attachments thereto, upon request by MassDEP or EPA.

## **23. SEVERABILITY CLAUSE**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this Permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any Permit condition is violated and not reported as an emergency pursuant to Section 24 of this Permit. Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6 of this Operating Permit shall supersede the following deviation reporting requirements, if applicable.

The Permittee shall report to MassDEP's Regional Bureau of Air and Waste the following deviations from Permit requirements, by telephone, by fax, or by electronic mail (e-mail) within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by this Operating Permit or other Approvals, where the parameter limit is identified by the Permit or Approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.

<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, this Operating Permit, or other Approvals.
- E. Failure to perform QA/QC measures as required by this Operating Permit or other Approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in MassDEP's Bureau of Air and Waste Air Operating Permit Reporting Kit, which is available via MassDEP's web site, <https://www.mass.gov/guides/massdep-operating-permit-compliance-program>. This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax, or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Air and Waste within ten (10) days of discovery. For deviations that do not require 3 day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided the Permittee gives the EPA and MassDEP written notice fifteen (15) days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The Permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No Permit revision shall be required, under any approved economic incentives program, marketable Permits program, emission trading program and other similar programs or processes, for changes that are provided in this Operating Permit. A revision to the Permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Clean Air Act, provided that such increases do not require an Operating Permit revision under any other applicable requirement.



## **28. OZONE DEPLETING SUBSTANCES**

This section contains air pollution control requirements that are applicable to this facility, and EPA enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G "Significant New Alternatives Policy Program".

## **29. PREVENTION OF ACCIDENTAL RELEASES**

This section contains air pollution control requirements that are applicable to this facility, and EPA enforces these requirements.

This facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the Clean Air Act Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This Permit is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to MassDEP's final action on Operating Permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the Application shield shall remain in effect, and the facility shall not be in violation of the Clean Air Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection (MassDEP)  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.